

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

BEANIE MOSS,

Plaintiff,

v.

PROGRESSIVE INSURANCE,

Defendant.

Civil Action File No.:
1:24-cv-00074-JRH-BKE

**PROGRESSIVE MOUNTAIN INSURANCE COMPANY IMPROPERLY
NAMED PROGRESSIVE INSURANCE’S SPECIAL APPEARANCE
ANSWER TO PLAINTIFF’S COMPLAINT**

COMES NOW, Progressive Mountain Insurance Company, improperly named as Progressive Insurance (hereinafter “Progressive”), appearing specially and without submitting to the jurisdiction or venue of this Court, by and through its undersigned counsel, and files this its Special Appearance Answer to Plaintiff’s Complaint, showing the Court as follows:

FIRST DEFENSE

Plaintiff’s Complaint should be dismissed as to Defendant due to insufficiency of process and insufficiency of service of process.

SECOND DEFENSE

Plaintiff's Complaint should be dismissed against Defendant on the grounds that the court lacks personal jurisdiction over the Defendant under the circumstances.

THIRD DEFENSE

Plaintiff's Complaint should be dismissed against Defendant on the grounds that the court lacks subject matter jurisdiction over the Defendant under the circumstances.

FOURTH DEFENSE

Plaintiff's Complaint should be dismissed for improper venue, or transferred to the appropriate venue.

FIFTH DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SIXTH DEFENSE

Plaintiff is estopped from seeking any recovery against Progressive because if Plaintiff sustained damages as alleged in his complaint, such damages, if any, were caused solely by the conduct and/or fault of Plaintiff or others.

SEVENTH DEFENSE

No act or omission on the part of Progressive caused or contributed to the injuries or damages set forth in Plaintiff's Complaint.

EIGHTH DEFENSE

Plaintiff's Complaint should be dismissed against Progressive because Progressive was not negligent in any manner whatsoever in connection with the alleged injuries and damages of the Plaintiff.

NINTH DEFENSE

Progressive is not liable to Plaintiff because Progressive breached no duty owed to Plaintiff with regard to the facts set forth in the Complaint, in tort, contract or otherwise.

TENTH DEFENSE

In response to the individually numbered paragraphs contained in Plaintiffs' Complaint, Progressive states as follows:

I.A.

Progressive is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph I.A. of Plaintiff's Complaint, and therefore said allegations are denied.

I.B.

Progressive denies the allegations contained in Paragraph I.B. of Plaintiff's Complaint as stated.

II.A.1.

Progressive is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph II.A.1. of Plaintiff's Complaint, and therefore said allegations are denied.

II.B.2.

Progressive denies the allegations contained in Paragraph II.B.2. of Plaintiff's Complaint as stated.

II.C.

Progressive denies the allegations contained in Paragraph II.C. of Plaintiff's Complaint.

III.

Progressive denies the allegations contained in Paragraph III. of Plaintiff's Complaint.

IV.

Progressive denies the allegations contained in Paragraph IV. of Plaintiff's Complaint.

V.

To the extent a response is required, Progressive admits the allegations contained in Paragraph V. of Plaintiff's Complaint.

Progressive denies all allegations and any prayer for relief contained in the Paragraph beginning with “WHEREFORE” in Plaintiff’s Complaint.

Progressive denies all allegations contained in Plaintiff’s Complaint to which no response has previously been given.

WHEREFORE, having fully responded to Plaintiffs’ Complaint, Progressive demands that it be discharged, with costs cast against the Plaintiffs. In the event Progressive is not discharged, Progressive demands a trial by jury.

Respectfully submitted, this 11th day of July, 2024.

LUEDER, LARKIN & HUNTER, LLC

/s/ Jefferson M. Starr

JEFFERSON M. STARR

Georgia Bar No. 992352

Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all *pro se* parties to this matter by filing with the Court's CM/ECF system, which will automatically e-mail notification of same to the following parties of record as follows:

Beanie Moss
588 Beaver Dam Road
Sardis, Georgia 30456
Pro Se Plaintiff

Respectfully submitted, this 11th day of July, 2024.

LUEDER, LARKIN & HUNTER, LLC

/s/ Jefferson M. Starr
JEFFERSON M. STARR
Georgia Bar No. 992352
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